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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,523	08/29/2001	Yair Oren	20568-68756	7992
46363	7590	12/13/2007	EXAMINER	
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			TRAN, DZUNG D	
		ART UNIT	PAPER NUMBER	
		2613		
		MAIL DATE		DELIVERY MODE
		12/13/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/914,523	OREN ET AL.	
	Examiner	Art Unit	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 September 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 24 is/are allowed.
- 6) Claim(s) 23 and 29 is/are rejected.
- 7) Claim(s) 25-28 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Specification

Claim Objections

1. Claims 23 and 25-29 are objected to because of the following informalities:
 - New claim 29 is a copy of amended claim 23. Appropriate correction is required.
 - New claims 25-28 is depended on cancelled claims 2-5, respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberg et al. U.S. Patent no. 6,915,075 in view of Ghani US 2002/0114036.

Regarding claims 23 and 29, Oberg discloses in figure 2, a method of a closed loop optical fiber for carrying information modulated on at least two optical carriers (e.g., information is modulated with working wavelength and spare wavelength), a first one of the carriers having a first wavelength (i.e., working wavelength) and a second one

of the carriers having a second wavelength (i.e., spare wavelength), at least two nodes (e.g., node 1, see Figure 2) at a first one of which first information modulated on the first carrier (i.e., the information signal is modulated on working wavelength) and second information modulated on the second carrier (i.e., the information signal is modulated on working wavelength) is to be recovered and transmitted, the first node 1 comprising:

a demultiplexer 15 for demultiplexing the first carrier (i.e., working wavelength, solid line) from the fiber;

a demultiplexer 15 for demultiplexing the second carrier (i.e., spare wavelength, dash line) from the fiber;

a multiplexer 13 for multiplexing the first carrier (i.e., working wavelength, solid line) on the fiber;

a multiplexer 13 for multiplexing the second carrier (i.e., spare wavelength, dash line) on the fiber; and

apparatus for receiving and transmitting first and second information comprising a receiver 9 for receiving and a transmitter 7 for transmitting first and second information, and routing the at least two optical carriers, wherein when the first carrier is not capable of transmitting the first information over the fiber, the first information is modulated on the second carrier for transmission over the fiber (col. 5, line 50 to col. 6, line 47; i.e., routing the optical carriers by switches 17, 19).

Oberg does not specifically disclose for demodulating first information and modulating first information onto the first carrier before the first carrier is placed on the fiber by the first multiplexer 13, and demodulating second information and modulating second information on the second carrier before the second carrier is placed on the fiber by the second multiplexer 13. Ghani, from the same field of endeavor, discloses for demodulating information and modulating information onto the first carrier before the first carrier is placed on the fiber (see page 1, paragraph 0005). Since modulating the information onto a carrier then transmits it over the fiber and demodulating the information at a receiver side is well known in the art. At the time of the invention was made, it would have been obvious to one of ordinary skill in the art to include the modulating and demodulating of information method taught by Ghani in the system of Oberg. One of ordinary skill in the art would have been motivated to do that in order to transmit and receive a specific information signal over the optical system.

4. Claim 24 is allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 23-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran
12/09/2007

Dzung Tran
DZUNG TRAN
PRIMARY PATENT EXAMINER